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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT MORGALO,

Plaintiff,

CIVIL ACTION NO.
08-CV-04079 - (LTS)

- against -

RUBEN BLADES

and

RUBEN BLADES PRODUCTIONS, INC.,

Defendants.

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**NOTICE OF LAWSUIT AND REQUEST FOR
WAIVER OF SERVICE OF SUMMONS**

TO: Pamela D. Gonzalez, Esq.
Bufete Roberto Corretjer Piquer
625 Avenue Ponce de Leon
San Juan, Puerto Rico 00917-4819

NOTICE OF SUIT. A lawsuit has been commenced against you. A copy of the complaint in that lawsuit is attached to this Notice. The complaint was filed in the above referenced court and has been assigned the above referenced Civil Action Number. The lawsuit has been assigned to a United States District Judge of the Court.

YOUR OPTIONS. This is not a formal summons or notification from the Court, but rather our request that you sign and return the enclosed waiver of service in order to save the costs of serving you with a judicial summons and an additional copy of the complaint. The costs of service will be avoided if we receive a signed copy of the waiver within 30 days after the date shown at the bottom of this form as the date on which this Notice and Request were sent to you. We enclose a self-addressed stamped envelope for your use. An extra copy of this waiver is also attached for your records.

WHAT HAPPENS IF YOU COMPLY? If you comply with this request and return the signed waiver, it will be filed with the Court and no summons will be served upon you. The action will then proceed as if you had been served with a summons on the date that the waiver is filed with the Court, except that you will not be obligated to answer the complaint before 60 days from the date shown below as the date on which this Notice and Request were sent to you.

WHAT MAY HAPPEN IF YOU DO NOT COMPLY? If you do not return the signed waiver within the time indicated, we will take appropriate steps to effect formal service in the manner authorized by the Federal Rules Of Civil Procedure and will then, to the extent authorized by those Rules, ask the Court to require you to pay the full cost of that service. In that connection, please read the statement concerning the duty of parties to waive service of the summons, which is set forth at the foot of the waiver form.

DATE ON WHICH REQUEST WAS SENT. I affirm that this request is being sent to you on behalf of the plaintiff in this lawsuit on the date set forth below

Dated: New York, New York
13 May 2008

BALLON STOLL BADER & NADLER, P.C.

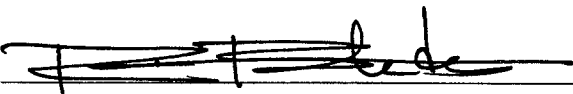
By: Dwight Yellen

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TO:

Pamela D. Gonzalez, Esq.
Bufete Roberto Corretjer Piquer
525 Avenue Ponce de Leon
San Juan, Puerto Rico 00917-4819
787-751-4618
787-759-6503 (fax)

Date: May 16th, 2008

Sign here: 

Duty To Avoid Unnecessary Costs Of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause can be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.